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File No. 11228

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW JERSEY

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BANK OF AMERICA, N.A.,

Civil Action No. 09-6271 (JAP)

Plaintiff,

vs.

BANK BUILDING ASSOCIATES, L.P.,  
BERGEN & BORNSTEIN, P.A., LAWRENCE  
S. BERGER, and ROBERT A. BORNSTEIN,  
individually, ABC COMPANIES 1-10, JOHN  
DOES 1-10 and JANE DOES 1-10,

Defendants.

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DEFENDANTS' NOTICE OF MOTION TO DISMISS PLAINTIFF'S COMPLAINT  
FOR FAILURE TO STATE A CLAIM

PLEASE TAKE NOTICE that on Monday, February 1, 2010 at 10:00 a.m., or as soon thereafter as counsel may be heard, Defendants in the above matter will move this Court for an Order dismissing Plaintiff's Complaint.

In support of the within application, Defendants will rely on the accompanying Memorandum of Law, and Declaration of William J. Pinilis.

By: 

William J. Pinilis


Date: December 29, 2009

CERTIFICATION OF SERVICE

I hereby certify that simultaneous with the filing of the within Motion and supporting documents, I have caused to have copies of same served electronically upon opposing counsel:

Gregg S. Sodini, Esq.  
Michael Collins, Esq.  
SODINI & SPINA  
500 Harding Road  
Freehold, NJ 07728  
Counsel for Plaintiff

By: \_\_\_\_\_

  
William J. Pinielis

Date: December 29, 2009